



Allgood v. Garcia-Rojas

2022 | Cited 0 times | E.D. Wisconsin | August 15, 2022

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

JAMONTE ALLGOOD, Plaintiff, v. Case No. 21-CV-120 JOTHAM GARCIA-ROJAS, Defendant.

ORDER

On July 5, 2022, the defendant, Jotham Garcia-Rojas, filed a motion for summary judgment. (ECF No. 24) On July 6, 2022, the court issued a notice and order informing pro se plaintiff Jamonte Allgood that he had until August 4, 2022, to file a response to the motion. (ECF No. 29.) The court cautioned Allgood that, if by that date he did not respond to the motion or file a letter explaining why he was unable to do so, the court would accept all facts asserted by Garcia-Rojas as undisputed.

The deadline has passed and Allgood has not filed a response to Garcia-Rojas' s motion. As such, the court will construe the motion as unopposed. The court has reviewed Garcia-Rojas' s motion, brief in support, and the undisputed facts, see Fed. R. Civ. P. 56(e)(2), and concludes that Garcia-Rojas is entitled to summary judgment on the merits. Accordingly, the Garcia-Rojas' s motion is granted and the case is dismissed.

IT IS THEREFORE ORDERED that Garcia-Rojas' s motion for summary judgment (ECF No. 24) is GRANTED.

IT IS FURTHER ORDERED that this case is DISMISSED with prejudice. The Clerk of Court will enter judgment accordingly.

This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by filing in this court a notice of appeal within 30 days of the entry of judgment. See Federal Rule of Appellate Procedure 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. See Federal Rule of Appellate Procedure 4(a)(5)(A).

Under certain circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within 28 days of the entry of judgment. The court cannot extend this deadline. See Federal Rule of Civil Procedure 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time,



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generally no more than one year after the entry of the judgment. The court cannot extend this deadline. See Federal Rule of Civil Procedure 6(b)(2). A party is expected to closely review all applicable rules and determine what, if any, further action is appropriate.

Dated at Milwaukee, Wisconsin this 15th day of August, 2022.

BY THE COURT

WILLIAM E. DUFFIN United States Magistrate Judge

